

REMARKS

Claims 1, 23, and 29 have been amended. Claims 1-37 remain pending in the present application. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

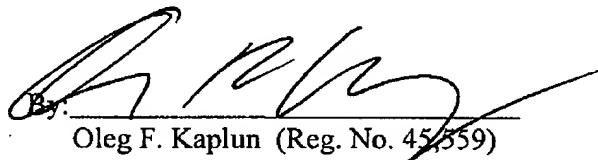
Claims 1-12, 14-34, 36, and 37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,161,142 to Wolfe et al. ("Wolfe"). Applicants have amended claim 1 to recite that "each broadcast section function is operable to select automatically broadcast elements from said data storage device based on a user's user profile." Support for this amendment is found at least in pages 15, line 1, to page 16, line 6. In contrast, Wolfe does not teach such an automatic selection, since in Wolfe "the program initiates a search for the specific piece of music or other data content the subscriber has requested." According to the claimed invention, the user does not select or request any specific broadcast elements; they are automatically selected for the user by the claimed invention on the basis of factors such as, for example, the user profile. This automatic selection is intended to mimic the audio experience of listening to a radio station. Just as a listener of a radio station cannot select the songs that the DJ plays, so is a listener of the claimed invention similarly unable to directly select the particular broadcast elements that are sent to him. This is in marked contrast to Wolfe, in which the "subscriber selects the content which he or she desires to receive, and the content is placed in a queue." Column 7, lines 46-47. Unlike the requirement in Wolfe that each content item be manually selected by a user, the claimed invention selects this content automatically. Thus, withdrawal of the rejection of claim 1 is respectfully requested. Moreover, Applicants submit that dependent claims 2-12 and 14-22 are patentable for at least the same reasons given above.

Since claims 23 and 29 have been also been amended to recite an automatic selection of broadcast or audio elements, Applicants submit that these claims and dependent claims 24-34, 36, and 37 are patentable for at least the same reasons given above.

Claims 13 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolfe in view of United States Patent No. 6,317,784 to Mackintosh. Claims 13 and 35 are patentable for at least the same reasons given above.

In view of the amendments and remarks submitted above, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is thus earnestly requested.

Respectfully submitted,



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